

Remarks

Claims 1-39 are currently pending in the Application.

Non-Statutory Obviousness-Type Double Patenting Rejection in view of U.S. Patent No. 6,662,137

Claims 1-39 stand rejected in view of a non-statutory obviousness-type double patenting rejection as being unpatentable over Claim 1-43 of U.S. Patent No. 6,662,137.

Applicant traverses this rejection but, in the interest of moving this application to issue, encloses a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c).

Non-Statutory Obviousness-Type Double Patenting Rejection in view of U.S. Application No. 10/020,324

The Office Action further asserts a rejection of claims 1-39 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-53 of co-pending U.S. Patent Application No. 10/020,324. Applicant notes that in accordance with MPEP 804.1B, a provisional double patenting rejection is only a warning and although *“the merits of [a] provisional [double patenting] rejection can be addressed by both the applicant and the examiner without waiting for the first patent to issue”* addressing such issue at this stage is not required. Therefore Applicants respectfully request the Examiner to postpone such provisional rejection and convert such provisional rejection into a non-provisional one in one of the two applications as soon as the other goes to grant.

Withdrawal of this rejection is therefore respectfully solicited.

Conclusion

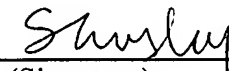
In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

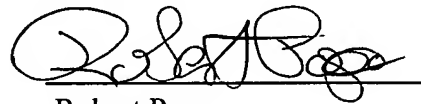
December 12, 2005
(Date of Deposit)

Shannon Tinsley
(Name of Person Signing)


(Signature)

December 12, 2005
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Respectfully submitted,



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